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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT TRANSMITTAL FORM

Applicant(s): Rizzuto, Leandro, Jr.
Serial No.: 10/691,131
Filed: October 22, 2003
For: A HAIR STYLING TOOL
Art Unit: 3732
Examiner: Not Yet Assigned
Confirmation No.: 5342
Customer No.: 27623 Attorney Docket No.: 892.0033USU

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

We are enclosing:

1. Petition to Make Special;
2. Statement of Pre-Examination Search Under MPEP 708.02 in Support of Petition to Make Special;
3. Transmittal letter in duplicate; and
4. Postcard.

Please charge the petition fee of **\$130.00** and any additional fees or credit any such fees, if necessary to Deposit Account No. **50-1239** in the name of Conair Corporation. Any deficiency in fees should be charged to Deposit Account No. 01-0467 in the name of Ohlandt, Greeley, Ruggiero & Perle, L.L.P. A duplicate copy of this sheet is attached.

Respectfully submitted,

Date: September 22, 2004

Charles N.J. Ruggiero
Reg. No. 28,468
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.
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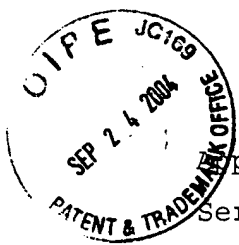
CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE U.S. POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: MAIL STOP PETITION, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, ON September 22, 2004.

Joanne A. Romaniello
NAME

SIGNATURE

9/22/04
DATE



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Serial No.: 10/691,131
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Confirmation No.: 5342
Customer No.: 27,623

Attorney Docket No.: 892.0033USU

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO MAKE SPECIAL

Dear Sir:

Applicant hereby petitions to make this application special under 37 CFR 1.102(d). All of the claims are directed to a single invention.

A listing of the claims begins on page 2 of this paper.

Remarks/Arguments begin on page 6 of this paper.

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Serial No.: 10/691,131
Group Art Unit No.: 3732

Listing of the Claims:

No claims are amended at this time. The listing of the claims is being included for the convenience of the Office.

Claim 1 (Original): A hair styling tool comprising:

a handle portion having a pair of pivotally connected arms, each arm having a hair contacting element, wherein said hair contacting element with one or more apertures therein.

Claim 2 (Original): The hair styling tool of claim 1, wherein said one or more apertures are in the form of perforated grooves.

Claim 3 (Original): The hair styling tool of claim 1, wherein said arms are pivotally connected at a proximal end thereof.

Claim 4 (Original): The hair styling tool of claim 1, wherein said hair contacting element is operatively located at a distal end thereof.

Claim 5 (Original): The hair styling tool of claim 1, wherein said hair contacting element is a heat conductive plate and thermally interactive with the hair styling tool to effectively apply heat to selected portions of hair as desired.

Serial No.: 10/691,131
Group Art Unit No.: 3732

Claim 6 (Original): The hair styling tool of claim 1, wherein said hair contacting element has a hair contacting surface.

Claim 7 (Original): The hair styling tool of claim 6, wherein said hair contacting surface is at least substantially planar.

Claim 8 (Original): The hair styling tool of claim 6, wherein said hair contacting surface is corrugated.

Claim 9 (Original): The hair styling tool of claim 1, wherein said one or more apertures are in communication with one or more vents of the hair styling tool to vent moisture, heat and/or pressure.

Claim 10 (Original): The hair styling tool of claim 9, wherein said one or more vents are in said distal end of said arms.

Claim 11 (Original): A hair contacting element of a hair styling tool comprising:

a heatable hair contacting surface having a plurality of recessed apertures, wherein said plurality of recessed apertures are in communication with a corresponding number of vents in said hair styling tool to vent moisture, heat and/or pressure.

Serial No.: 10/691,131
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Claim 12 (Original): The hair contacting element of claim 11, further comprising a groove for connection to a tongue of said hair styling tool.

Claim 13 (Original): The hair contacting element of claim 12, wherein said groove is thermally interactive with said hair styling tool so that heat generated by said hair styling tool can be selectively transferred to said heatable hair contacting surface via said tongue.

Claim 14 (Original): The hair contacting element of claim 11, wherein said heatable hair contacting surface is substantially planer.

Claim 15 (Original): The hair contacting element of claim 11, wherein said plurality of recessed apertures and said vents of said hair styling tool align with each other.

Claim 16 (Original): The hair contacting element of claim 11, wherein said plurality of recessed apertures are located throughout said heatable hair contacting surface in a random manner.

Claim 17 (Original): The hair contacting element of claim 11, wherein said plurality of recessed apertures are located in a predefined pattern.

Claim 18 (Original): The hair contacting element of claim 11, wherein said heatable hair contacting surface is corrugated.

Serial No.: 10/691,131
Group Art Unit No.: 3732

Claim 19 (Original): The hair contacting element of claim 18, wherein said plurality of recessed apertures and said vents of said hair styling tool align with each other.

Claim 20 (Original): The hair contacting element of claim 18, wherein said plurality of recessed apertures are located in a predefined pattern.

Serial No.: 10/691,131
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REMARKS/ARGUMENTS

Claims 1 through 20 are pending in the instant application. Claims 1 and 11 are the two (2) independent claims. Claims 2 through 10 depend from claim 1. Claim 12 through 20 depend from claim 11. Applicant herein requests that the application be made special under MPEP § 708.02 and that the Office conduct an accelerated examination of the application.

Pursuant to MPEP § 708.02, subsection VIII, applicant herein pays a \$130 petition fee and states that a pre-examination prior art search has been conducted. Applicant herein under MPEP § 708.02, subsection VIII, submits a copy of the references applicant believes are most closely related to the claimed subject matter, and submits herein a detailed discussion of these references that have already been cited to the Office in applicant's July 22, 2004 Information Disclosure Statement and applicant's September 3, 2004 Supplemental Information Disclosure Statement.

These references are (1) U.S. Patent No. 6,119,702 to Habibi (hereinafter "Habibi"), (2) U.S. Patent No. 6,053,178 to Todd (hereinafter "Todd"), (3) U.S. Patent No. 6,029,677 to Nanba et al. (hereinafter "Nanba"), and (4) U.S. Patent No. 5,781,691 to Kwok (hereinafter "Kwok"). A detailed discussion of the differences between each reference and the claimed subject matter of the application is set forth below.

Serial No.: 10/691,131
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U.S. Patent No. 6,119,702 to Habibi

Claim 1 of the instant application discloses a hair styling tool that has a handle portion with a pair of pivotally connected arms. Each arm has a hair contacting element. Each hair contacting element has one or more apertures therein.

Habibi provides a hair styling apparatus that has a pair of mating surfaces and a contacting portion on each of the pair of mating surfaces. A first mating surface of the pair of mating surfaces incorporates heat. The first mating surface has a number of comb like pins. Each comb-like pins extends from the first mating surface. A second mating surface of the pair of mating surfaces also emits heat. The second mating surface has a number of holes that are in a corresponding position relative to the number of comb-like pins so the pins mate in the holes.

Habibi does not disclose or suggest any hair styling tool with a pair of arms in which each arm has a hair contacting element with one or more apertures therein. In contrast, only the second mating surface has holes for engagement with the comb like pins. Thus, claim 1 is patentable over Habibi. Claims 2 through 10 depend from claim 1 and are also patentable over Habibi.

Present claim 11 provides a hair contacting element of a hair styling tool that has a heatable hair contacting surface with a number of recessed apertures. The recessed apertures are in communication with a corresponding number

Serial No.: 10/691,131
Group Art Unit No.: 3732

of vents in the hair styling tool to vent moisture, heat and/or pressure.

Habibi does not disclose or suggest any such recessed apertures, let alone recessed apertures that are in communication with a corresponding number of vents in the hair styling tool to vent moisture, heat and/or pressure. In contrast, Habibi discloses that only the second mating surface has a number of holes for engagement with the number of comb like pins to close the hair styling apparatus. (See column 2, line 49). Thus, claim 11 is patentable over Habibi. Claims 12 through 20 depend from claim 11 and are also patentable over Habibi.

U.S. Patent No. 6,053,178 to Todd

Todd discloses a device for transferring an image onto hair or a surface such as a shirt. The device has a handle with a first jaw and a second jaw that are connected to one another. A corresponding male and female die with each having an etched image disposed thereon is disposed on each of the first jaw and the second jaw. A pivot connects the first jaw to the second jaw so the first jaw can engage the second jaw. The female die has a reservoir for holding a colored fluid or dye. Once the first jaw pivots to connect to the second jaw with hair therebetween, the colored fluid will transfer the image to the hair and a heater will heat the dye to transfer the image.

Todd does not disclose or suggest any hair styling tool with a pair of arms with each arm having a hair contacting

Serial No.: 10/691,131
Group Art Unit No.: 3732

element with one or more apertures therein. In contrast, Todd discloses that a male die is on the first jaw and female die is on the second jaw for forming an image, and does not disclose any apertures, let alone for hair styling. Accordingly, claim 1 is patentable over Todd. Claims 2 through 10 depend from claim 1 and are also patentable over Todd.

Todd also does not disclose or suggest any recessed apertures, let alone a number of recessed apertures in communication with a corresponding number of vents in the hair styling tool to vent moisture, heat and/or pressure. In contrast, Todd discloses that the male die is on the first jaw and female die is on the second jaw for forming the image. Accordingly, claim 11 is patentable over Todd. Claims 12 through 20 depend from claim 11 and are also patentable over Todd.

U.S Patent No. 6,029,677 to Nanba

Nanba discloses a hair styling iron. The iron has an elongated barrel with a heat plate, and a corrugated surface on the barrel. The corrugated surface has a number of concavities and convexities. The heat plate is formed with a number of steam vents in the number of concavities and convexities that are connected to a steam generator in the barrel.

Nanba does not disclose or suggest any handle portion with a pair of pivotally connected arms with each arm having a hair contacting element, let alone that the hair

Serial No.: 10/691,131
Group Art Unit No.: 3732

contacting element has one or more apertures therein, as in claim 1. Thus, claim 1 is patentable over Nanba. Claims 2 through 10 depend from claim 1 and are also patentable over Nanba.

Nanba also does not disclose or suggest claim 11 since Nanba does not disclose or suggest any such hair contacting surface with recessed apertures, let alone a plurality of recessed apertures in communication with a corresponding number of vents in the hair styling tool to vent moisture, heat and/or pressure. As mentioned, Nanba discloses a number of corrugated surfaces with the number of concavities and convexities that vent the steam and are connected to a steam generator in the barrel. Thus, claim 11 is also patentable over Nanba. Claims 12 through 20 depend from claim 11 and are further patentable over Nanba.

U.S. Patent No. 5,781,691 to Kwok

Kwok discloses a hair care apparatus. The hair care apparatus has a heater and a removable reservoir. The hair care apparatus has a barrel and a clip that is connected to the barrel. The barrel has spring biased bellows pump that allows water to be pumped and then heated by the heater to form hot water vapor. The hot water vapor then expands through the barrel to a perforated tube. The water vapor then passes through the perforated tube to provide heated water vapor to the user's hair.

Serial No.: 10/691,131
Group Art Unit No.: 3732

Kwok does not disclose or suggest any hair styling tool with a pair of arms with each arm having a hair contacting element with one or more apertures therein. In contrast, Kowk discloses that the barrel has a perforated tube in the barrel and the perforated tube provides the heated water vapor to the user's hair, not any pair of arms with each arm having a hair contacting element with one or more apertures therein. Accordingly, claim 1 is patentable over Kwok. Claims 2 through 10 depend from claim 1 and are also patentable over Kwok.

Kwok does not disclose or suggest any such recessed apertures, let alone a plurality of recessed apertures in communication with a corresponding number of vents in the hair styling tool to vent moisture, heat and/or pressure. In contrast, Kwok discloses that the perforated tube has perforations, and not any recessed apertures as claimed in claim 11. Thus, claim 11 is patentable over Kwok. Claims 12 through 20 depend from claim 11 and are also patentable over Kwok.

The other remaining references cited in the applicant's Information Disclosure Statement, and Supplemental Information Disclosure Statement define the general state of the art, and are not considered to be of particular relevance.

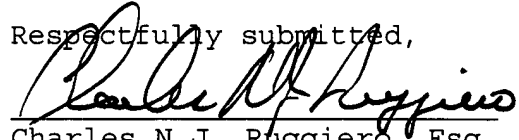
It is applicant's belief that claims 1 through 20 are all in condition for allowance. Accordingly, applicant respectfully requests favorable consideration and that an

Serial No.: 10/691,131
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accelerated examination be granted and that the application
be passed to allowance.

Dated: September 22, 2007

Respectfully submitted,



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Registration No. 28,468

Attorney for Applicant

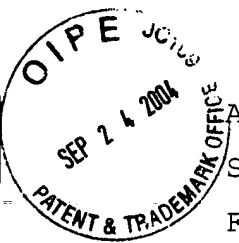
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STATEMENT OF PRE-EXAMINATION SEARCH UNDER MPEP §708.02 IN
SUPPORT OF PETITION TO MAKE SPECIAL

Dear Sir:

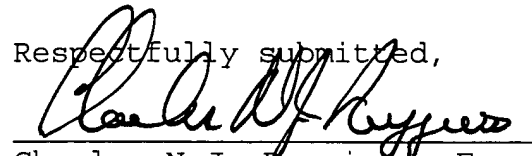
Pursuant to MPEP § 708.02, subsection VIII, applicant herein pays a \$130 petition fee and states that a pre-examination prior art search has been conducted.

The pre-examination search has been conducted in Class D28, subclass 38; Class 38, subclasses 74, and 93; Class 132, subclasses 223, 224, 225, 263, 268, and 269; and Class 219, subclasses 222, 225, 226, 243, 245, 254, and 255.

It is applicant's belief that claims 1 through 20 are all in condition for allowance. Accordingly, applicant respectfully requests favorable consideration and that an accelerated examination be granted and that the application be passed to allowance.

Dated: September 22, 2007

Respectfully submitted,



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